

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Amy J. St. Eve	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 706	DATE	4/25/2008
CASE TITLE	Stevens vs. Cikanek		

DOCKET ENTRY TEXT

Minute Entry [54] dated 4/25/2008 is vacated and the following Amended Order is entered: The Court strikes Joseph Steven's Memorandum of Law in support of his motion (R. 45) for failure to cite binding precedent. Joseph Steven's must re-file a brief citing Seventh Circuit precedent on or before May 18, 2008. If he so chooses, David Cikanek may file a response brief on or before May 25, 2008. (alternatively, Cikanek may rely on his current brief).

■ [For further details see text below.]

Notices mailed by Judicial staff.

STATEMENT

Joseph Stevens argues that Second Circuit precedent governs this action. The Court, however, will rely on precedent from the Seventh Circuit when dealing with issues of federal law. *See McMasters v. United States*, 260 F.3d 814, 819 (7th Cir. 2001) (holding that when a case is transferred under Section 1404(a), "the transferee court is usually free to decide federal issues in the manner it views as correct without deferring to the interpretation of the transferor circuit") (internal quotations and citations omitted); *In re Starlink Corn Prods. v. Aventis Cropscience United States Holding*, 211 F. Supp. 2d 1060, 1064 (N.D. Ill. 2002). Because this case is now pending in a district court in the Seventh Circuit, the Court will rely on Seventh Circuit precedent when dealing with issues of federal law. As such, the Court strikes Joseph Steven's Memorandum of Law in support of his motion (R. 45) for failure to cite binding precedent. Joseph Steven's must re-file a brief citing Seventh Circuit precedent on or before May 18. If he so chooses, David Cikanek may file a response brief on or before May 25, 2008 (alternatively, Cikanek may rely on his current brief).

Courtroom Deputy
Initials:

TH